

**REDACTED FOR PUBLIC INSPECTION
SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT
PURSUANT TO 47 C.F.R. §§ 0.457 AND 0.459**

June 28, 2019

Accepted / Filed

JUN 28 2019

Via Hand Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

DOCKET FILE COPY ORIGINAL

Re: Sorenson Communications, LLC and CaptionCall, LLC
Annual Summary of Consumer Complaints
CG Docket No. 03-123

Dear Ms. Dortch:

Sorenson Communications, LLC, for itself and its affiliate, CaptionCall, LLC (collectively, "Sorenson"), respectfully submits an original and one copy of the attached complaint log summary pertaining to complaints received between June 1, 2018 and May 31, 2019. The attached summary includes all complaints made by consumers to Sorenson during the reporting period that allege violations of the federal telecommunications relay services ("TRS") mandatory minimum standards.

Sorenson hereby requests confidential treatment of the information redacted in this submission ("Sorenson Information") pursuant to Exemption 4 of the Freedom of Information Act ("FOIA") and the rules of the Federal Communications Commission ("FCC" or "Commission").¹ The Sorenson Information contains company-specific, confidential and/or proprietary commercial information that is not routinely available for public inspection and is safeguarded from competitors, and should be protected from disclosure.

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d) and 0.459; *see also* 18 U.S.C. § 1905 (prohibiting disclosure "to any extent not authorized by law" of "information [that] concerns or relates to the trade secrets, processes, operations, style of work, or apparatus . . . of any person, firm, partnership, corporation, or association").

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In support of its request for confidential treatment, Sorenson provides the following statement of the reasons for withholding the Sorenson Information from inspection pursuant to 47 C.F.R. § 0.459(b).

1. *Identification of the specific information for which confidential treatment is sought.* Sorenson requests that all of the information redacted in this submission (the "Sorenson Information") be treated as confidential pursuant to Exemption 4 of FOIA and Sections 0.457(d) and 0.459 of the Commission's rules, which protect confidential commercial, financial, and other information not routinely available for public inspection. The Sorenson Information contains company-specific, competitively-sensitive, business confidential and/or proprietary commercial information concerning Sorenson's operations that would not routinely be made available to the public, and customarily would be guarded from competitors.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstance giving rise to the submission.* Sorenson is providing this information as part of its annual complaint log filing made pursuant to 47 C.F.R. § 64.604(c)(1).

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Sorenson Information contains company-specific, competitively-sensitive, confidential and/or proprietary, commercial and operational information. This information can be used to determine information about Sorenson's operations and is sensitive for competitive and other reasons. This information would not customarily be made available to the public and customarily would be guarded from all others, especially competitors. If this information were not protected, Sorenson's competitors could use it to determine how best to undercut Sorenson's business. Some of Sorenson's competitors make annual consumer complaint log filings confidentially for this very reason. In fact, because Sorenson's competitors have chosen to file their complaint logs confidentially, they would enjoy an unfair competitive advantage if Sorenson were required to disclose similar information. Such inequitable treatment of similarly situated providers would allow Sorenson's competitors to make misleading comparisons if Sorenson made public the same information that its competitors viewed as confidential.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The confidential information at issue relates to the provision of VRS and IP CTS, which are subject to vigorous competition.

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5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Since this type of information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules recognize that release of the information is likely to produce competitive harm. Disclosure could cause substantial competitive harm because Sorenson's competitors could assess aspects of Sorenson's operations and could use that information to undermine Sorenson's competitive position.

6.-7. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure, and identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The confidential information in the Sorenson Information is not available to the public, and has not otherwise been disclosed previously to the public. Sorenson routinely treats this information as highly confidential and/or proprietary. Sorenson assiduously guards against disclosure of this information to others.

8. *Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.* Sorenson requests that the Sorenson Information be treated as confidential indefinitely, as it is not possible to determine at this time any date certain by which the information could be disclosed without risk of harm.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* The confidential information contained in the Sorenson Information would, if publicly disclosed, enable Sorenson's competitors to gain an unfair competitive advantage. Under applicable Commission and federal court precedent, the information provided by Sorenson on a confidential basis should be shielded from public disclosure. Exemption 4 of FOIA shields information that is (1) commercial or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The information in question clearly satisfies this test. Additionally, where disclosure is likely to impair the government's ability to obtain necessary information in the future, it is appropriate to grant confidential treatment to that information.²

² See *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); see also *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) (*en banc*) (recognizing the importance of protecting information that "for whatever reason, 'would customarily not be released to the public by the person from whom it was obtained'") (citation omitted).

If a request for disclosure occurs, please provide sufficient advance notice to the undersigned prior to any such disclosure to allow Sorenson to pursue appropriate remedies to preserve the confidentiality of the information.

The attached summary includes information about the number of complaints Sorenson has received directly from consumers during the reporting period that allege a violation of the federal TRS mandatory minimum standards, the date of each complaint, the nature of each complaint, the date of resolution, and an explanation of the resolution.³ The report includes complaints regarding Video Relay Service ("VRS") and IP Captioned Telephone Service ("IP CTS"). The Public Notice also requests the number of relay calls handled during the reporting period.⁴ Because that information is proprietary, Sorenson is only supplying that information subject to this request for confidential treatment.

[BEGIN CONFIDENTIAL]

[REDACTED]

[END CONFIDENTIAL]

As required by 47 C.F.R. § 64.604(c)(1)(i), Sorenson maintains complete logs of all complaints it receives. The attached summary is based on these logs, which are available upon request by the FCC.

Additionally, Sorenson already has provided the information required by 47 C.F.R. § 64.604(c)(2), and there has been no change to the relevant contact information.

³ See 47 C.F.R. § 64.604(c)(1)(i)-(ii); see also Public Notice, CG Docket No. 03-123, *Reminder to States and Interstate Telecommunications Relay Service Providers that the Annual Summary of Consumer Complaints Is Due by July 3, 2017*, DA 17-565 (rel. June 8, 2017) ("Public Notice").

⁴ Public Notice at 1.

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If you have any questions or require anything further, please do not hesitate to contact me by telephone at 801-287-9400, or by email to mmaddix@sorenson.com.

Sincerely,



Michael D. Maddix
Director of Government and Regulatory Affairs
Sorenson Communications, LLC

Attachment

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Michael D. Maddix
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ATTACHMENT REDACTED IN ENTIRETY